

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRANDON REID WAGNER,

Plaintiff,

vs.

DR. FLINN, DR. MORGAN, DR. CUNARD,
and DR. DAMENE,

Defendants.

8:23CV361

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's correspondence, [Filing No. 9](#); [Filing No. 10](#), received on October 12, 2023, and November 6, 2023, respectively, which the Court construes as responses to the Court's order, [Filing No. 8](#), requiring Plaintiff to show cause for his failure to pay his initial partial filing fee by the September 25, 2023 deadline, see [Filing No. 7](#). In his responses, Plaintiff generally represents that he asked prison officials to send his initial partial filing fee payment to the Court, but the prison officials have failed to do so or have sent less than the amount required.

Plaintiff is advised that the Court received a partial filing fee payment of \$41.80 on October 23, 2023, followed by a second partial filing fee payment of \$56.06 on November 1, 2023. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff has shown good cause for his failure to pay the initial partial filing fee payment by the Court's deadline. The Court has now received Plaintiff's initial partial filing fee payment, and this matter will progress accordingly.

2. Plaintiff is advised that the next step in Plaintiff's case will be for the Court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal

is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The Court will conduct this initial review in its normal course of business.

Dated this 9th day of November, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a cursive "F".

Joseph F. Bataillon
Senior United States District Judge